



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

Consumer Protection Services Program

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CITATION # 11-12-0007

Mary Pinero, PT
7927 Dunbarton Ave.
Los Angeles, CA 90045

CASE # 1D 2011 70165

CITATION

Information obtained by the Physical Therapy Board of California (PTBC) has determined that actions taken by you have violated sections of the law regulating the practice of physical therapy.

A citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

FIRST CAUSE OF CITATION

Section 1399.91 (a)(1) of Title 16 of the California Code of Regulations

1399.91. Continuing Competency Required.

(a) As required by this article, a licensee must accumulate 30 hours of continuing competency hours in each license cycle. A licensee must submit evidence of completing those hours to the board in order to renew his or her license. In order to implement this requirement:

(1) For licenses that expire between October 31, 2010 and October 31, 2011, if the renewal is submitted prior to the expiration of the original license, 15 hours of continuing competency shall be completed.

On or about January 5, 2011, the PTBC randomly selected you for a continuing competency audit concerning your license renewal cycle of January 1, 2009 through December 31, 2010. You are subject to a citation and fine under Section 1399.91 (a)(1) in that documentation received on May 20, 2011 indicated that Ethics and Medicare was completed on January 9, 2011, the APTA's Defensible Documentation was completed on January 11, 2011, the APTA's Biopsychosocial Implications of Treating Older Adults was completed on January 9, 2011, and that the California Education Connection's Current Concepts in Spine Rehabilitation was completed on January 8, 2011. Additional documentation received by the PTBC indicated that The American Red Cross's CPR/AED for the Professional Rescuer and Healthcare Provider was completed on June 25, 2011. These courses were completed after your renewal cycle ended on December 31, 2010. Your renewal was signed under penalty of perjury, indicating that prior to your license expiration date the continuing competency requirements had been completed. Since the continuing competency requirements had not been completed at the time of your license renewal, you were not eligible for renewal.

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SECOND CAUSE OF CITATION

Section 1399.93 (a) and (b) of Title 16 of the California Code of Regulations

1399.93. Continuing Competency Subject Matter Requirements and Other Limitations.
For each renewal cycle, a licensee's continuing competency hours must include the following:
(a) Two hours in ethics, laws and regulations, or some combination thereof, and
(b) Four hours in life support for health care professionals. Such training should be comparable to, or more advanced than, the American Heart Association's Basic Life Support Health Care Provider course.

On or about January 5, 2011, the PTBC randomly selected you for a continuing competency audit concerning your license renewal cycle of January 1, 2009 through December 31, 2010. You are subject to a citation and fine under Section 1399.93 (a) and (b) in that documentation received by the PTBC indicated that The American Red Cross's CPR/AED for the Professional Rescuer and Healthcare Provider was completed on June 25, 2011, and that Ethics and Medicare was completed on January 9, 2011. These courses were completed after your renewal cycle ended on December 31, 2010. Your renewal was signed under penalty of perjury, indicating that prior to your license expiration date the continuing competency requirements had been completed. Since the continuing competency requirements had not been completed at the time of your license renewal, you were not eligible for renewal.

THIRD CAUSE FOR CITATION

Your declaration that you had accumulated at least the minimum continuing competency hours required within your renewal period, and prior to your license expiration date constitutes unprofessional conduct.

Unprofessional Conduct

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct

On October 25, 2010, you signed, under penalty of perjury under the laws of the State of California that you had accumulated at least the minimum continuing competency hours required within your renewal period, and prior to your license expiration date. However, documentation received by the Board as a result of your continuing competency audit indicates that you had not accumulated sufficient hours prior to your license expiration date. This false entry constitutes unprofessional conduct in accordance with Business and Professions Code, section 2660.

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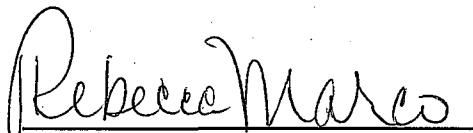
ORDER

Further, **you are ordered to pay a fine of \$500.00** to the PTBC within thirty (30) days of the citation or assessment issuance date. When submitting payment to the PTBC, for your protection and to assure proper credit, please return a copy of the citation and note the citation number on your check or money order.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal" form and return it to this office within ten (10) days after receipt of this Citation. The date indicated on the Order will be held in abeyance only for any violation(s) you wish to contest. All uncontested violations will be adhered to as specified. In the alternative, you may, within thirty (30) days of the citation or assessment issuance date, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN A REQUEST FOR INFORMAL CONFERENCE AND/OR
ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER
OF YOUR RIGHT TO ADMINSTRATIVELY CONTEST OR APPEAL THIS CITATION.**

August 8, 2011
Date


REBECCA MARCO
Interim Executive Officer

ORDER OF ABATEMENT

Citation Against: Mary Pinero, PT

Citation No. 11-12-0007

Item No. 1

Violation: Section 1399.91 (a)(1) of Title 16 of the California Code of Regulations

Description: (a) *As required by this article, a licensee must accumulate 30 hours of continuing competency hours in each license cycle. A licensee must submit evidence of completing those hours to the board in order to renew his or her license. In order to implement this requirement:*

(1) *For licenses that expire between October 31, 2010 and October 31, 2011, if the renewal is submitted prior to the expiration of the original license, 15 hours of continuing competency shall be completed.*

Item No. 2

Violation: Section 1399.93 (a) and (b) of Title 16 of the California Code of Regulations

Description: *For each renewal cycle, a licensee's continuing competency hours must include the following:*

- (a) *Two hours in ethics, laws and regulations, or some combination thereof, and*
- (b) *Four hours in life support for health care professionals. Such training should be comparable to, or more advanced than, the American Heart Association's Basic Life Support Health Care Provider course.*

Item No. 3

Violation: Section 2660 of the California Business and Professions Code

Description: *Unprofessional Conduct*

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation. The continuing competency hours that you submitted for fulfillment of the requirement for your renewal period of January 1, 2009 through December 31, 2010 cannot be used towards the requirements for your renewal period of January 1, 2011 through December 31, 2012. Although you earned many of the hours after your 2009-2010 renewal cycle ended, these hours were required to complete your renewal for that period. Failure to comply with the provisions of this Citation and Order of Abatement within thirty (30) days of receipt may result in further legal action.